

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
SECURITIES AND EXCHANGE BOARD OF INDIA

Appeal No. 6071 of 2024

Naresh Kumar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 11, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 01, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00143) dated July 01, 2024. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record.
2. **Request in the application** - The appellant, vide his application dated June 11, 2024, sought the following information:

1. kindly refer to the notification of SEBI released recently on June 10th 2024 for generalist stream, has the SEBI followed reservation rule given by Indian constitution to SC,ST,OBC and EWS?
2.As per extant reservation criteria there are 27% seats reserved for OBC,15% for SC,7.5% for ST and 10 percent for EWS. Rest 40 % are left Unreserved but as per the notification recently released by SEBI out of 62 total vacancies 34 vacancies are for UR,14 for OBC,7 for SC,6 for EWS and 1 for ST. Are these vacancies as per reservation criteria?
3 As per extant reservation criteria there must have been at least 4 vacancies for ST,9 for SC ,16 for OBC and 6 for EWS.As per which reservation policy SEBI has adjusted 10 seats of SC,ST, and OBC to unreserved?
4 Kindly do not give reference of reading notification in your reply as I have read the notification holistically.
3. **Reply of the Respondent** - The respondent, in response to the query 1-4, informed that the information sought are in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as “Information”, as defined u/s 2(f) of the RTI Act, 2005.
4. **Ground of appeal** - The respondent has filed the appeal on the ground that the information provided is incomplete, misleading and false information.
5. I have perused the aforesaid request and the response provided thereto. I find that the information sought is in the nature of seeking clarification/opinion from the respondent. It is understood that the

respondent is not supposed to create information; or to interpret information; or to furnish clarification to the appellant under the ambit of the RTI Act. I find that the said request cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, Hon'ble Central Information Commission observed that “7. *The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/opinion/advice/confirmation/clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/opinions/advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him*” Accordingly, I do not find any deficiency in the response.

6. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The Appeal is accordingly dismissed.

Place: Mumbai

Date: July 29, 2024

RUCHI CHOJER

**APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA**